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Crl.O.P.No.13215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.13215 of 2023

Kurubi @ Surubi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Orathy Police Station,
Kancheepuram District.

(Crime No.21 of 2001).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending trial of the case in P.R.C
No.12 of 2005, on the file of the learned Judicial Magistrate No.I,
Maduranthagam, Kancheepuram District.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2023, pursuant to the non-bailable warrant issued, in P.R.C.No.12 of 2005 in connection with Crime No.21 of 2001 registered for the offence under Sections 147, 148, 323, 341 & 307 of IPC, on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that though the name of the petitioner is Surubi, the respondent Police had registered a case in Crime No.21 of 2001 against one Kurubi. He also submitted that the petitioner was not aware of the case being registered against him and he was not arrested during the investigation, whereas, later, after the completion of investigation, the respondent had filed the final report stating that the petitioner name as Kurubi and mentioned him as an absconding accused and the case was taken up in P.R.C No.12 of 2005, on the file of the learned Judicial Magistrate No.I, Maduranthagam, Kancheepuram District. He further submitted that the petitioner has not absconded and he was only residing in the same village for the past 16 years



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and due to the mistake of the respondent, the petitioner was stated to have been absconded for more than 16 years. He further submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and he is also ready to cooperate for the speedy disposal of the case. Hence, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is Kurubi @ Surubi and that the final report has been filed citing the petitioner as an absconding accused. However, he fairly conceded that on enquiry, it was found that the petitioner was all along present in the village and due to the confusion in the name of the petitioner, he has not been secured and produced before the learned Judicial Magistrate No.I, Maduranthagam, Kancheepuram District in P.R.C.No.12 of 2005. However, he opposed to grant bail to the petitioner.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.



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5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one surety should be the blood related surety), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Maduranthagam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the **learned Judicial Magistrate No.I, Maduranthagam, Kancheepuram District, on all working days at 10.30a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;**



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[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

14.06.2023

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To

1. The Judicial Magistrate No.I,
Maduranthagam,
Kancheepuram District.
2. The Inspector of Police,
Orathy Police Station,
Kancheepuram District.
3. The Sub Jail,
Maduranthagam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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